

CIVIL DOCKET
UNITED STATES DISTRICT COURT

~~DAUGHERTY~~
~~XXXXXXXXXX~~

Cook

Jury demand date:

74-C-321
(Class Action)

D. C. Form No. 106A Rev.

TITLE OF CASE

~~EQUAL EMPLOYMENT PRACTICES COMMITTEE,~~
Rodney Watkins, Stanford Daniels, Michael
Reed, Lorenzo Holmes, Robert Shanks, and
Bobby Wright, on behalf of themselves and
all others similarly situated,

vs.

CITY OF TULSA, OKLAHOMA, a municipal corp.,
ROBERT LaFORTUNE, individually and his
official capacity as Mayor of the City of
Tulsa, CITY COMMISSION, as a group, and its
individual members, Robert LaFortune, Mayor,
Sid W. Patterson, Commissioner of Streets
and Public Property; John Thomas Jr.,
Commissioner of Water Works; Carrol E. Griffith,
Commissioner of Police and Fire; William
H. Morris, Jr., Commissioner of Finance
and Revenue; and Francis L. Campbell, City
Auditor, CARROL GRIFFITH, individually and
in his official capacity as Commissioner
of Fire and Police of the City of Tulsa,
E. STANLEY HAWKINS, individually and in
his capacity as Chief of the Fire Depart-
ment of the City of Tulsa,

ATTORNEYS

For plaintiff:

Gerald E. Kamins (936-2182)
~~1810 E. 15th St.~~ *2431 E. 51*
Tulsa 74105

Natl. Employment Law Project, Inc.
Dennis R. Yeager
Walker T. Thompson —
423 W. 118th St.
New York, New York 10027
(212-866-8591)

(none) *office*
Darrell Bolton 936-3941 *664-7020*
6111 E. Skelly Dr., Suite 423
Tulsa 74135

For defendant:

Tom Gann
~~Philip S. Haney~~ *-5201*
Assistant City Atty. *Omogene Harris*
Legal Dept. *Ronald Wood*
200 Civic Center
Tulsa, OK 74103

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>7-1-74</i>	Clerk	8/8/74 8-15-74	Kamins C/D #8	15 00	15 00
J.S. 6 mailed <i>11-1-76</i>	Marshal				
Basis of Action: 13th & 14th Amend. to Constitution & 42 USC 1981, 1983 1985	Docket fee				
Action arose at:	Witness fees				
	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-8-74	1. Complaint, filed. Summons issued. rm	
8-13-74	2. Entry of appearance of Philip S. Haney, Asst. City Atty. & application for additional time of 30 days to plead or answer, filed.k <i>8-13-74</i>	
8-16-74	3. ORDER Granting Defts. 30 days from 8-13-74 to answer.(FD-J)b copies mailed.	
8-16-74	Return on U.S. Marshals Service, Summons, filed. Served City Commission by serving Francis L. Campbell in Tulsa, on 8-9-74 with fees of \$3.00. Served Francis L. Campbell in Tulsa on 8-9-74 with fees of \$3.00. Served Wm. H. Morris, Jr., in Tulsa, OK, on 8-9-74 with fees of \$3.00. Served E. Stanley Hawkins in Tulsa on 8-9-74 with fees of \$3.00. Served Sid Patterson in Tulsa on 8-9-74 with fees of \$3.00. Served John Thomas, Jr. in Tulsa on 8-9-74 with fees of \$3.00. Served Robert LaFortune in Tulsa on 8-13-74 with fees of \$3.00. Served Carrol E. Griffith in Tulsa on 8-12-74 with fees of \$3.00. Served City of Tulsa by serving Rbt. LaFortune in Tulsa on 8-13-74 with fees of \$3.00. -v-	
9-5-74	4. Amended Complaint, filed. Summons issued. lm	
9-10-74	Return on U.S. Marshals Service, Summons, filed. Served Robert LaFortune in Tulsa on 9-6-74 w/ fees of \$3.00; served City of Tulsa by serving Robt. LaFortune in Tulsa on 9-6-74 w/ fees of \$3.00; served Tulsa City Commission by serving LaFortune in Tulsa on 9-6-74 w/ fees of \$3.00; Served Sid W. Patterson, Commissioner of Sts. & Public Property at Tulsa on 9-9-74 w/ fees of \$3.00; Served John Thomas, Jr., Commissioner of Water Works at Tulsa on 9-6-74 w/ fees of \$3.00; Served Carrol E. Griffith, Commissioner of Police & Fire at Tulsa on 9-6-74 w/ fees of \$3.00; served Wm. H. Morris, Jr., Commissioner of Finance & Revenue in Tulsa on 9-6-74 w/ fees of \$3.00; Served E. Stanley Hawkins, Chief of Fire Dept., City of Tulsa, at Tulsa on 9-9-74 w/ fees of \$3.00. k	
9-16-74	5. Applic. for extension of time within which to plead or answer complaint, filed. hm <i>orig. to Judge W. D. Anderson</i>	
9-18-74	6. Order, filed, (part of applic), granting all defts. until 10-1-74 to plead or answer the complaint and amended compalint. (FD-J)hm (copies mailed)	
10-1-74	7. Motion to Strike all of Sec. III of Pltfs' complaint & amended complaint, filed by Defts; & Motion to Dismiss, filed. b <i>copies mailed 9/11/74</i>	
	8. Memorandum Brief in support of Motion to dismiss of Defts, filed. b	
10-7-74	9. Ltr. from FD to pltf., 10/3/74, directing them to respond to def. mo/strike and mo/dismiss w/brief by 10/18/74. (FD-J)rm	
10-18-74	MO: Ordered by the Court that pltf. is granted to 10/28/74 in which to respond to def. mo/strike & mo/dismiss. (FD-J)rm <i>motion denied</i>	
10-23-74	MO: Ordered by the Court that pltf. is granted an addl. 10 days from 10/28/74 to 11/7/74 in which to respond to def. mo/strike & mo/dismiss. (FD-J)rm <i>10/23/74</i>	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
10-30-74	10. Pltf's 1st Interrog. to defts. regarding Fire Dept. Employment Practices, filed. lm	
11-6-74	11. Notice of taking deposition to city of Tulsa, et al., filed. v (subpoena issued as to E. Stanley Hawkins)	
11-6-74	12. Memorandum of Law in Opposition to Defts.' Mots. to Dismiss & Strike, filed. v (Memo. in pamphlet form)	
11-18-74	Attorney for Pltf., Mr. Kamins appears in Court & moves for admission of Dennis R. Yeager & Walker T. Thompson, for the purpose of this trial only. Oath administered.(AEB-J)b	
11-29-74	13. Appl. of defs. for ext. of time to ans. pltf. 1st interrog., filed. rm	
12-3-74	Order, filed (as part of above appl.) granting defs. to 12/29/74 to ans. pltf. 1st interrog. re Fire Dept. employment practices.(FD-J)rm	Copies made
12-30-74	14. Ans. to pltf's' first set of interrog. to defts. re Fire Dept. Employment Practices, filed.k	
1-8-75	MO:Ordered by the Ct. that this case is transferred to Judge Cook(FD-J)rm	
1-17-75	15. Stipulation of agreement between parties, filed.k	
1-28-75	Depositions of Stanford Daniel, Rodney L. Watkins and Bobby L. Wright, taken on behalf of defs., on 1/16/75, filed.(EERutherford-NP)rm (\$267 pd by def)	
2-11-75	Depositions of Preston Whitson, John McIntyre and Stanley Hawkins, taken on behalf of Pltf's., on Wed., 1-15-75, before Evelyn E. Rutherford, LSR, with costs of \$181.50, filed. v	
2-24-75	16. Stipulation of Agreement in re list of applicants seeking employment w/Tulsa Fire Dept., filed. v	
3-6-75	MO: Case set for hearing on defts' motion to strike all of Sec. III of pltf's' complaint & amended complaint, and motion to dismiss 3-27-75 at 1:00 p.m. (HDC-J)hm	
3-27-75	MO: Case called for hearing on defts' mo/strike all of Sec. III of pltf's' complaint & amended complaint, and mo/dismiss. Statements made. Court takes ruling under advisement. (HDC-J)hm	
5-5-75	DEPOSITIONS of Robert Lee Shanks, Michael Gerald Reed and Lorenzo Holmes taken on behalf of defts. on 3-28-75 before Evelyn E. Rutherford, LSR. (\$195.00)lm	
7-15-75	17. Order filed as to the following: mot. to strike City of Tulsa overruled as to T42 USC 1981 allegations, and sustained as to T42 USC 1984 & 1985 and 13th and 14th Amendment allegations; mot. to strike the Mayor and individual City Commissioners is overruled; deft. Francis L. Campbell, City Auditor, is dismissed; mot. to strike Equal Employment Practices Commission as pltf. is sustained and mot. to strike Michael Reed as pltf is overruled; mot. to dismiss for Failure to Exhaust T. VII Remedies is overruled; mot. to strike portions of complaint	

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DATE	PROCEEDINGS	Date Order or Judgment Note
	designated "Class Action" is overruled, and proceeding maintained as a class action. (HDC-J)g cpies mld.	
7-28-75	18. Answer to complaint and amended complaint, filed. g	
10-8-75	MO: Case set for pre-trial hearing 11-10-75 at 3:45 p.m. (HDC-J)hm	
10-14-75	Deposition of <u>Preston Whitson</u> taken on behalf of the Pltf's on 9-12-75 before Evelyn E. Rutherford, CSR W/fees of \$27.00 pd by the Pltfs, filed. mm	
10-14-75	Deposition of <u>Stanley Hawkins</u> taken on behalf of the Pltf's on 9-11-75 before Evelyn Rutherford, CSR W/fees of \$144.00 pd by the Pltf, filed. mm	
11-4-75	19. Pltfs' motion for continuance of pretrial, filed. g	
11-4-75	20. Order, filed, continuing pre-trial conference. (HDC-J)hm (copies mailed)	
12-11-75	MO: Case set for PT hearing 2-5-76 at 9:30 a.m. (HDC-J)hm	
12-22	21. Plaintiffs' second interrogatories to defts. re Fire Department Employment practices, filed. g	
<u>1976</u>		
1-27	22. Deft., Appl. for Continuance, filed. t o-J	
1-28	23. Order, filed, granting continuance of pre-trial conference. (HDC-J)ph cps mld	
1-28	MO: Case set for PT hearing 4-13-76 at 11:00 a.m. (HDC-J)hm	
2-17	MO: Case set for Preliminary PT hearing on 2-20-76 at 1:00 p.m. (HDC-J)ph cps mld	
2-20	MO: Case called for preliminary pre-trial hearing. Statements made. Plaintiff granted leave to file amended complaint and to do so by 3-1-76; deft. given until 3-15-76 to ans. amended complaint; pltf. to file mo/produce by 3-1-76 and deft. to file any objections thereto by 3-10-76; pltf. given until 3-15-76 to file mo/compel, if necessary. Deft. given until 3-15-76 to file a motion to limit the class and pltf. given until 3-31-76 to respond thereto. Discovery to be complete by 3-31-76, except for that in controversy. Case heretofore set for PT hearing 4-13-76 at 11:00 a.m. (HDC-J)hm	
2-23	24. Answers to pltfs' 2nd set of interrogs. to defts regarding Fire Department employment practices, filed. lm	
3-1	25. Second amended complaint, filed. g	
3-15	26. Motion of defs. to further define and limit the Class; to require pltfs. to prove the Class; and to dismiss the Class Action, filed. rm	
3-15	27. Brief in support of mo/define, etc., filed. rm	
3-15	28. Motion of defs. to dismiss 2nd amended complaint, filed. rm	
3-15	29. Brief in support of mo/dismiss 2nd am. complt., filed. rm	
3-16	MO: Ordered by the Court that pltfs. are granted to 3/31/76 in which to respond to motions of defs. to limit Class and to dismiss 2nd amended complaint. (HDC-J)rm - ltr	
3-31	30. Memorandum of law in opposition to defts' mots. to dismiss 2nd amended complaint, to further define & limit the class, to dismiss the class action, filed. g	

(Cont.)

D. C. 110A Rev. Civil Docket Continuation

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DATE	PROCEEDINGS	Date Order or Judgment Noted
4-13-76	MO: Case called for PT hearing. Statements made. Defts' motions to dismiss overruled. Parties to exchange further documents. Pltf. allowed to present affidavits in support of contention of class by 5-19-76 and defts. allowed to submit counter-affidavits by 6-2-76. If hearing is desired on question of class, parties to make request. Pltf. to file PT order by 5-5-76 and case set for non-jury trial 8-18-76 at 9:30 a.m. (EST-7 or 8 days). Addit. PT conf. to be set if requested. (HDC-J)hm	
4-21	Transcript of proceedings had on 4-13-76, PT Conf., filed. ph	
4-23	³¹ Amended Answer of Defts., City of Tulsa, Robert LaFortune, Tulsa City Commission, Sid Patterson, John Thomas, Jr., Carroll Griffith, William Morris, Jr., and E. Stanley Hawkins, filed. v	
5-10	32. Defts' proposed PT order, filed. ph	
6-8	33. Pltf's appl. for ext. of time to file affidavits and PT order, filed. ph	
6-8	34. Order, filed, granting pltfs. until 6-18-76 to file affidavits and proposed PT order. (HDC-J)ph cps by atty.	
6-22	35. Proposed pretrial order, filed by Pltfs. v	
6-22	36. Appl. for late filing of pltfs' affidavits in resp. to defts' motion to require pltfs. to prove the class, filed. ph	
6-22	37. Order, filed, that pltfs. be permitted to file affidavits in resp. to defts' mo/prove the Class, out of time. (HDC-J)ph cps mld	
6-22	38. Affidavits of Walker T. Thompson and Jeffrey M. Fenster in resp. to defts' mo/require pltfs. to prove the class, filed. ph	
7-7	MO: Case set for hearing on question of class determination on 7-13-76 at 1:30 p.m. (HDC-J)hm (notice mailed)	
7-13	MO: Evidentiary hearing held on question of class determination. Parties represented. Stipulation read into the record. Rule invoked. Pltf's witnesses sworn and testify: Lionel Byrd, Lawrence Stanley Gant, Lewis Brown, Charles Adams, Stanley Jones, Ralph Peters, Otha Smith, Lynn Gaines, Larry Harrison, Jimmy Irvin. Pltf. rests. Stipulation made by parties. Deft. rests. Parties rest. Arguments made. Parties to file simultaneous briefs on T. VII Class action question within 14 days & Ct. takes that issue under advisement. With agreement of parties, Court defines class as those individuals who both parties agree are identifiable. Pltf. to furnish additional names to deft. by this p.m. Any objections thereto to be filed by deft. by 7-16. Parties to submit an agreed-to pre-trial order by 7-21-76. (HDC-J)hm	
7-13	39. Counteraffidavit in support of defts' mo/require plts. to prove the class, filed in open court. hm	
7-13	40. Counteraffid. in support of defts' mo/require pltfs. to prove the class, filed in open court. hm	
7-21	Transcript of proceedings had on 7-13-76, filed. lm orig. & cpy.	
7-22	41. PT order, filed. (HDC-J)ph	
7-22	42. Counter affid. in support of defts' mo/require pltfs. to prove the class and denial of alleged class members. (of Gordon Joens)ph	
7-22	43. Counter affidavit in support of defts' mo/require pltfs. to prove the class and denial of alleged class members of Clint L. Taylor, filed. ph	

(CONTD)

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-30-76	44. Brief of defs., with leave of Court to file out of time, filed.rm	
7-30	45. Pltff's post-hearing memorandum of law in support of back pay on behalf of the class under T. VII of Civil Rights Act of 1964, filed, w/leave of Court. (HDC-J)hm	
8-2	MO: Case set for supplemental PT hearing 8-10-76 at 9:00 a.m.(HDC-J)hm (notice mailed)	
8-6	46. Defts. list of witnesses to be called on their behalf during the trial, filed. ph	
8-10	MO: Case called for supplemental pre-trial hearing. Parties represented. Court further defines the class as consisting of all of those named plaintiffs & states that they are all included within the T.VII question. Court further states that if there is a finding at the trial of unlawful discrimination, the matter of back pay possibly will be referred to a Master. Court directs that pltf. give actual notice of trial to as many of the 67 class members as there are addresses & then to file certificate of notice with the Clerk. (HDC-J)hm	
8-18	MO: Case called for N/J trial. Parties represented and announce settlement. Terms of settlement read into record. Court directs publication to be made by pltf. in The Eagle, Tulsa Daily World & Tulsa Tribune, and notice by cert. mail given to the Class members. Hearing on consent decree set 10-1-76 at 10:00 a.m. Any objections to proposed compromise to be filed on or before 9-22. (HDC-J)hm	
8-31	Appl. of continuance for hearing, filed. ph	
8-31	48. Order, filed, that hearing set for 10-1-76 be continued until 10-28-76 at 1:00 p.m., and further that all objections to the proposed final settlement in this matter be filed on or before 10-1-76 .(HDC-J)ph cps mld	
8-31	49. Notice of proposed settlement of class action, filed, w/obj. to settlement to be filed on or before 10-15-76, before the hearing to be heard on 10-28-76 at 1:00 p.m. (HDC-J)ph cps by deft. counsel.	
9-1	Transcript of proceedings had on 8-18-76, filed. lm cpy for clk	
9-17	50. Objection of James Mason Brooks, a member of Class Action, to the proposed settlement., filed. ph	
10-13	51. Proposed consent decree, filed. rm <i>copy to J</i>	
10-14	52. Objection of Ralph Samuel Peters, to proposed consent decree, filed. ph	
10-28	53. Return receipts of notices, filed. hm	
10-28	54. Proof of publication in The Okla. Eagle, filed. hm	
10-28	55. Proof of publication in The Tulsa Tribune, filed. hm	
10-28	56. Proof of publication in The Tulsa World, filed. hm	
10-28	MO: Case called for hearing on consent decree. Parties represented. Statements made. Court approves consent decree and order to be prepared. (HDC-J)hm	
10-28	57. Order, filed and entered, that proposed consent decree entered into by all parties is approved & terms shall become effective as of this date. (HDC-J)hm (copies mailed)	

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CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF		DEFENDANT	DOCKET NO. <u>74-C-321</u> -C
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
2-12-79	58.	Defts' mo/dissolution of consent decree, filed. hm	
2-12	59.	Affidavit of Darrell L. Bolton, filed. hm	
2-27	MO:	Pltf., having been noticed of deft's motion for dissolution and having no objection to it being granted, it is ordered that the motion for dissolution of consent decree is granted. (HDC-J)hm	
2-27	60.	Order, filed, that Consent Decree filed on 10-28-76 should be dissolved because its objectives have been achieved. (HDC-J)hm (copies mailed)	

PLAINTIFF

DEFENDANT

DOCKET NO. _____

PAGE ____ OF ____ PAGES

DATE _____

NR.

PROCEEDINGS